

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
4 State Bar No. 196360
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2199
Facsimile: (510) 622-2270
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2012-5**

12 **JULIANE LAURA COLLETT**
13 **a.k.a. JULIANE LAURA GUERRANT**
2050 Southwest Expressway, Apt. 84
14 San Jose, CA 95126

A C C U S A T I O N

15 **Registered Nurse License No. 623149**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 1, 2003, the Board of Registered Nursing issued Registered
24 Nurse License Number 623149 to Juliane Laura Collett, also known as Juliane Laura Guerrant
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought in this Accusation and will expire on September 30, 2012, unless renewed.
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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive a Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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8. Section 2762 of the Code states, in pertinent part:

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof."

8 COST RECOVERY

9 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 FACTS

14 10. Respondent abused and was dependent on alcoholic beverages, on and off, for many
15 years, beginning in or around the 1990s, and continuing until at least on or about February 15,
16 2009. Respondent was hired as a registered nurse in the operating room of Santa Clara Valley
17 Medical Center (SCVMC), a Santa Clara County hospital in an unincorporated area of San Jose,
18 California, on or about September 22, 2003. Respondent's alcohol abuse led to frequent
19 unauthorized absences, excessive sick leave taken around holidays and weekends, and
20 unavailability while on call at SCVMC. Respondent took two leaves of absence to undergo
21 treatment for alcohol dependency: (1) from on or about April 7, 2008, through on or about May
22 21, 2008; and (2) from on or about February 16, 2009, through on or about March 19, 2009.

23 11. On or about October 2, 2009, in the criminal case *People v. Juliane Laura Collett*,
24 Santa Clara County Superior Court Case No. FF928534, Respondent was convicted, by a plea of
25 no contest, of violating Vehicle Code section 23152, subdivision (b)—Driving with a Blood
26 Alcohol Level of .08 Percent or Higher, a misdemeanor. The offense occurred in Morgan Hill on
27 or about December 13, 2008, when Respondent drove a car while she had a blood alcohol content
28 of approximately .12 percent. Respondent was stopped by Morgan Hill police after an officer

1 noticed that Respondent was driving so slowly (8-10 miles per hour in area where the speed limit
2 was 40 miles per hour) that she was impeding the flow of traffic.

3 12. On or about March 18, 2011, Respondent was arrested by Campbell police for the
4 following violations: Vehicle Code section 23152, subdivisions (a) and (b) (Driving with a Blood
5 Alcohol Content of .08 Percent or Greater); Vehicle Code section 20002, subdivision (a) (Non-
6 injury Hit and Run Collision); and Vehicle Code section 23154 (Violation of Probation for
7 Driving Under the Influence). The circumstances of the arrest were as follows:

8 (a) Respondent rear-ended a vehicle with her car at the intersection of West Hamilton
9 Avenue and San Tomas Expressway in Campbell, and immediately drove off.

10 (b) She continued to drive erratically until she pulled into the parking lot of 262 East
11 Hamilton Avenue, approximately one mile from the scene of the accident.

12 (c) When police arrived on the scene, Respondent was confused as to her location (she
13 thought she was parked at her home, which was more than a mile away at Southwest Expressway
14 in San Jose), and she exhibited the following symptoms of alcohol intoxication: alcoholic odor on
15 her breath; thick, slurred speech, blood-shot watery eyes, and an unsteady gait.

16 (d) Respondent refused to submit to any Standardized Field Sobriety Tests and told the
17 arresting officer "I will always remember your name. And I will never save your life."

18 (e) Respondent did submit to a Preliminary Alcohol Screening Test (PAS), but could not
19 blow into the PAS to provide a full sample. Her manually captured partial blood alcohol content
20 was measured at .293 percent.

21 FIRST CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct: Use of Alcoholic Beverages in Dangerous Manner)

23 13. Respondent has subjected her registered nurse license to discipline under Code
24 sections 2761, subdivision (a), and 2762, subdivision (b), because she engaged in unprofessional
25 conduct by using alcoholic beverages in a dangerous manner, or to an extent her ability to safely
26 practice nursing was impaired. The circumstances are described above in paragraphs 10-12.

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1 (a) Respondent failed to immediately report to the desk or check her assignment when
2 she clocked in at 9:00 a.m. An assistant nurse manager found Respondent at 9:10 a.m. at the back
3 desk instead of at Respondent's assigned work area. Meanwhile, another scrub nurse was waiting
4 for Respondent to relieve her.

5 (b) Respondent failed to follow proper sterile techniques for her first surgical patient.
6 Respondent moved between two instrument set-ups, causing cross contamination of the sterile
7 set-up. Then, after being at work for less than an hour, Respondent took an unauthorized break
8 and inappropriately left cleaning and preparing for the next case to a coworker.

9 (c) For her second and third surgical patients, Respondent failed to timely provide the
10 necessary instruments or supplies to the surgeon when asked. She also dropped instruments or
11 supplies on the floor. The nurse assigned to work with Respondent made a written complaint that
12 working with Respondent made her fear for her patient safety.

13 (d) When the nurse manager went to Respondent's room to look for lost equipment,
14 Respondent was argumentative and was moving and speaking in a spastic manner. In addition,
15 Respondent committed breeches of practice such as holding the telephone to her ear with a towel
16 and taking her gloves off before her gown.

17 (e) The next day, the Sterile Processing Department complained, with photographic
18 documentation, of the inappropriate condition of the return of instrument sets from Respondent's
19 cases. Dirty instruments were placed with clean instruments and heavy instruments were placed
20 on top of delicate instruments.

21 Second Suspension

22 18. On or around October 5, 2009, SCVMC issued Respondent a notice entitled "Final
23 Disciplinary Action--One (1) Work Week Suspension (20 hours)." This disciplinary case began
24 with a charging letter to Respondent dated September 16, 2009, recommending a one-week
25 suspension. Respondent appealed and a Skelly hearing was held on September 29, 2009. The
26 recommended discipline was upheld and Respondent was suspended from work for one week,
27 from October 12, 2009, through October 18, 2009.

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1 19. The basis for this discipline was a Health Insurance Portability and Accountability
2 Act (HIPAA) privacy violation committed by Respondent on or about February 15, 2009.
3 Respondent disclosed protected health information about a former patient within earshot of a
4 person not involved in the patient's care when she repeatedly and frantically questioned a resident
5 physician about the patient's December 2008 surgery by using a SCVMC speakerphone and by
6 also locating and questioning the resident in the public waiting area of Stanford University
7 Hospital. Respondent stated that she acted at the urging of her boyfriend, a SCVMC nurse
8 anesthetist who was concerned that he would be blamed for committing errors in the procedure.

9 Third Suspension

10 20. On or about November 4, 2009, SCVMC issued Respondent a noticed entitled
11 "Hearing Officer's Decision--One (1) Work Week Suspension (20 hours)." This disciplinary case
12 began with a charging letter to Respondent dated October 13, 2009, recommending a one-week
13 suspension. Respondent appealed and a Skelly hearing was held on October 30, 2009. The
14 recommended discipline was upheld and Respondent was suspended from work for one week,
15 from November 16, 2009, through November 22, 2009.

16 21. The basis for this discipline was Respondent's excessive calling in sick from on or
17 around January 6, 2009, through on or around September 25, 2009. In addition, Respondent
18 received paid educational leave to attend seminars on or around July 11, 2009, and August 18,
19 2009, but failed to attend the seminars and failed to notify the hospital of her non-attendance.

20 PRAYER

21 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this
22 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 623149, issued to Julianne
24 Laura Collett, also known as Julianne Laura Guerrant;

25 2. Ordering Julianne Laura Collett, also known as Julianne Laura Guerrant, to pay the
26 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
27 case, pursuant to Business and Professions Code section 125.3; and
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3. Taking such other and further action as deemed necessary and proper.

DATED: July 7, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2011900153